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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,406	01/23/2002	Gilles Jourdin	VAL1599P0251US	1614

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CITICORP CENTER, SUITE 3800
500 WEST MADISON AVENUE
CHICAGO, IL 60661-2511

EXAMINER

SMALLEY, JAMES N

ART UNIT PAPER NUMBER

3727

DATE MAILED: 05/09/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,406

Examiner

James N Smalley

Applicant(s)

JOURDIN, GILLES

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Office Action Summary

Part of Paper No 4

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, the device for fastening a distribution component on a vessel neck, in Paper No. 5 is acknowledged.
2. Claims 8-9 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to Group II, a nonelected method of assembling a device for fastening a distribution component on a vessel neck, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ribs (14) and (19), being disposed at the top of the skirt, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See paragraph 4 below, under 35 U.S.C. 112, 2nd paragraph.
A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear how the longitudinal external ribs (14) extend at the top of the skirt. As seen in figs. 4a and 4b of the present invention, the longitudinal external ribs do not extend to the top of the skirt. Instead, they appear to terminate short of the skirt top.

Regarding claim 4, it is unclear how the longitudinal internal ribs (19) extend to the top of the skirt. Examiner notes the figures do not show the ribs (19) in a side-view, so as to be able to determine the relationship between the ribs and the top of the skirt, instead only showing an axial cross-section in fig. 5.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mascitelli '908.

Mascitelli '908 discloses a Sleeve for the Fixing of a Manual Pump Group to a Glass Bottle, comprising:

(cl. 1) a retaining ring comprising a skirt (Examiner reads the skirt comprising upper part 10 and lower part 1b) defining an internal wall and an external wall, with the internal wall to contact the external wall of the neck; and

a lining collar (5) surrounding the skirt of the retainer ring, the lining collar defining an internal wall and a visible external wall; and

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characterized in that the external wall of the skirt is formed with longitudinal external ribs (20) extending at the top of the skirt, the external ribs coming into fitting contact against the internal wall of the collar,

(Examiner notes the ribs have a measurable longitudinal dimension, as best seen in figure 2, and therefore, are “longitudinal.”)

Further, the ribs (20) of Mascitelli ‘908 are at the “top” of the skirt as much as the ribs (14) of the applicant’s are, to the degree this feature is understood and disclosed in the specification and figures. Moreover, it would appear the ribs of Mascitelli, as well as those of the applicant’s invention, extend only along the length of the skirt and not on the “top.”)

(cl. 2) wherein the internal wall of the skirt is radially distorted inwards at the external ribs,

(Examiner notes that although it is not inherently disclosed, any force pressing radially inwards on ribs (20) will be transmitted through the skirt and the internal wall will subsequently be distorted inwards as a reaction to this force.)

(cl. 3) wherein, before the retainer ring is fitted into the lining collar, the internal wall of the skirt is cylindrical and the ribs together define a maximum diameter greater than the inside diameter of the lining collar,

(Examiner notes fig. 3, wherein the rib can be seen as having a radial dimension longer than the radial length of the internal wall of the lining collar. Thus, the ribs together define a maximum diameter greater than the inside diameter of the lining collar.)

(cl. 4) wherein the internal wall of the skirt is formed with longitudinal internal ribs (16) extending at the top of the skirt,

(Examiner notes the ribs of Mascitelli '908 are at the "top" of the skirt as much as the applicant's are, to the degree this feature is understood and disclosed in the specification and figures. Moreover, it would appear the ribs (16) of Mascitelli, as well as those of the applicant's invention (19), engage the neck of the bottle at the "top" of the skirt.)

(cl. 5) wherein the internal ribs are angularly offset from the external ribs so that one internal rib is located between two external ribs and vice versa,

(Examiner notes this angular offset is best seen in fig. 1, wherein internal ribs (16) are angularly offset from external ribs (20))

(cl. 6) wherein the external wall of the skirt, between the external ribs, is at a distance from the internal wall of the lining collar so as to create an intermediate clearance,

(Examiner notes col. 4, lines 25-26 where it is disclosed the metal sleeve only partially deforms the ends of the ribs (20). Further examiner notes col. 4, lines 15-22, wherein it is noted that the fitting of the lining collar/metallic covering (5), over the skirt, causes flexion of the skirt sections (15) located between the ribs but that this is offset (Examiner reads: "prevented.") by the inherent strengthening effect of internal ribs (16). Therefore, because the sections of the skirt (15), between the ribs (20), are initially radially offset from the outer perimeter of the ribs (20), and, because the reaction forces, caused by the fitting of lining collar/metallic covering (5) onto the sleeve, are offset by strengthening provided by internal ribs (16), Examiner concludes there is an inherent, intermediate clearance created, between the internal wall of the lining collar/metallic covering (5) and the external wall of the skirt.)

(cl. 7) wherein the external ribs are evenly distributed around the skirt.

(Examiner notes fig. 1, wherein the even distribution of external ribs is clearly seen.)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0000908	US 5,791,504
US 6,409,049	US 5,299,703
US 6,463,650	US 5,269,429
US 5,941,428	US 5,246,124
US 5,799,810	US 4,773,553

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N Smalley whose telephone number is (703) 605-4670. The examiner can normally be reached on M-Th 8-5:30, Alternate Fri 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
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If the information desired is not provided above, or has been changed, please do not call the examiner (this is the latest information provided to him) but the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/

jns
May 2, 2003


NATHAN J. NEWHOUSE
PRIMARY EXAMINER